IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SMT JUSTICE T.MEENA KUMARI**

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**WRIT PETITION NO : 26215 of 1995**

Between:

Thakre mallaiah S/o. Kousmere
Loanvelli village sirpur mandal Adilabad Dist

**..... PETITIONER**

AND

1 Sub-Collector, Asifabad
2 The Mandal Revenue officer , Sirpur Adilabad Dist.
3 Tadi Burubai W/o.Budia, Loanvelly village Adilabad Dist.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of writ of mandamus directing the respondents not to evict the petitioner from the land bearing No.238 extent Ac.1.50 cents situated at loanvelli village Sirpur mandal, Adilabad dist. by duly declaring the procedure which the respondents 1&2 adopting in all the eviction cases for evicting the person before serving the copy of the order or on the same day after service of the copy of the order is nothing but arbitrary illegal and contrary to the statutory remedies and also violative of Art.14 of the constitution of India and pass.

**Counsel for the Petitioner: MR.V.RAVI KIRAN RAO**

**Counsel for the Respondents 1&2: GP FOR REVENUE**

**Counsel for the Respondent No. 3 : None present**

**The Court made the following :**

**ORDER:**

Seeking to declare the action of the respondents in evicting the persons before serving the copy of the order or on the same day after service of the copy of the order as arbitrary and illegal and consequently to direct the respondents herein not to evict the petitioner from the land bearing Sy.No.238, an extent of Ac 1.50 cents situated at Lonavelli village, Sirpur Mandal, the present writ petition is filed.

Facts shorn of details and necessary for disposal of this writ petition are as follows:

The petitioner is the owner and possessor of the land bearing Sy.No.238 in an extent of Ac 1.50 cents situated at Loanvelli village being purchaser of the same through an ordinary sale deed (Sada Bainama) on 3.5.1968 from the parents of 3rd respondent herein. Thereafter, he developed the said land. Subsequently in 1992 3rd respondent after the death of her parents filed a representation before 1st respondent claiming restoration of possession. The petitioner alleges that 1st respondent had passed some orders directing 2nd respondent to evict him from the land. But the petitioner was not served with any such order. The 3rd respondent in 1994 had also filed a suit before the Civil Court in respect of the same property and the same is pending. It is further stated that now the respondents, without passing or serving any orders on the petitioner, are trying to evict him from the possession and enjoyment of the said land. Hence, the writ petition.

While ordering notice before admission in the writ petition on 24-11-1995, this Court, at initial stage, granted interim stay of eviction of the petitioner from the above said

land for one week and further it was extended from time to time until further orders.

Despite service of notice, the respondents did not choose to file the counter so far.

The record goes to show that no steps have been taken by the respondents to vacate the above interim order so far.

In that view of the matter, it would suffice if a direction is issued to the respondents not to evict the petitioner from the land in question without following the due process of law.

Accordingly, the writ petition is disposed of. The respondents are directed not to evict the petitioner from the land in question, without following the due process of law. No costs.

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T. MEENA KUMARI, J

Dt ; 7-04-2005

Kvrk

To

1 The Sub-Collector, Asifabad
2 The Mandal Revenue officer , Sirpur, Adilabad Dist.
3. Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)

4. 2 CD copies.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

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**THE HON'BLE SMT JUSTICE T.MEENA KUMARI**

**WRIT PETITION NO : 26215 of 1995**

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**07th April 2005**